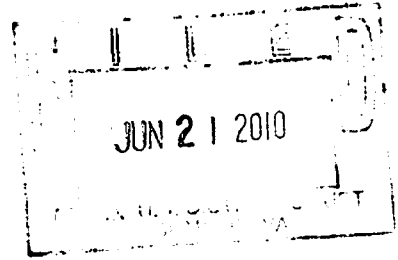


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



DONNA K. SOUTTER and
TONY LEE WEBB, on behalf of
themselves and those similarly situated,

Plaintiffs,

v.

Civil Action No. 3:10CV00107(REP)

EQUIFAX INFORMATION SERVICES LLC,

Defendant.

SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 26(f), counsel for the parties have conferred to develop a proposed discovery plan and have submitted the following agreed scheduling order.

This is a complex matter that includes two separate class action claims. The parties disagree as to the venue in which this case should be litigated, *see* Doc. 31, and Equifax has filed a motion to transfer this case to the Western District of Virginia or, in the alternative, to sever the claims of Plaintiff Webb and transfer Mr. Webb's claims to the Western District of Virginia. Plaintiff has responded to Equifax's motion and Equifax's reply shall be filed by **June 4, 2010**.

The parties shall exchange disclosures required under Rule 26(a)(1) pertaining to the claims of the named Plaintiffs by **May 28, 2010**.

The parties will conduct discovery in two phases. Phase I shall include the individual claim of the Plaintiff and all evidence reasonably necessary for the Plaintiff to litigate class certification. The question of whether or not Defendants' alleged violations of the Fair Credit Reporting Act were "willful" pursuant to 15 U.S.C. §1681n and other merits and liability issues shall be reserved for Phase II.

The limits set forth in the Federal Rules shall govern Phase I discovery except that the parties shall be limited to a total of 12 depositions each in the event Equifax's motion to transfer or, in the alternative, to sever is denied. If the case is transferred and/or severed in whole or in part, then the parties agree to confer again concerning a suitable number of depositions for each side. The parties shall also be permitted to depose for one seven-hour day on the record each expert disclosed by another party.

Phase I discovery shall be completed by **October 8, 2010**.

Initial expert witness disclosures shall be served by **August 13, 2010**. Rebuttal expert disclosures shall be made by **September 13, 2010**. Expert depositions for Phase I shall be completed by **October 8, 2010**.

Motions regarding class certification shall be filed by **October 29, 2010**. Opposition briefs shall be filed by **November 19, 2010**. Reply briefs shall be filed by **December 3, 2010**. A hearing on class certification shall be set for **January 6, 2011**. In the event that Plaintiffs file their motion at an earlier date, opposition briefs shall be filed within twenty-one calendar days of filing of the motion and reply briefs shall be filed within fourteen days of filing of the opposition brief.

The parties shall meet and confer 14 days after the Court rules to discuss an appropriate schedule for Phase II.

The following shall summarize the deadlines in this case:

<u>Activity</u>	<u>Deadline</u>
Deadline to serve Fed. R. Civ. P. 26(a)(2)(B) expert reports as to Phase I issues	August 13, 2010
Deadline to serve responsive expert reports	September 13, 2010

Close of Phase I fact discovery (including depositions and production of written discovery)

October 8, 2010

Deadline for Phase I expert depositions

October 8, 2010

Deadline to file motions regarding class certification

October 29, 2010

Deadline to file response to motion for class certification

November 19, 2010

Deadline for reply in support of motion for class certification

December 3, 2010

Hearing on Class Certification

January 7, 2011

at 1:30 PM

ENTERED THIS 18 DAY OF ^{June}~~MAY~~ 2010.

/s/ REP
Senior U.S. District Court Judge